

REMARKS

Claims 19-37 are pending in this application. Claims 19, 30, 31 and 33 have been amended. Reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 19-35 and 37 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claim 19 has been amended to recite a “method for at least one of encoding, decoding and transmitting location information of objects for a map,” whereby the claimed subject matter is integrally tied to a technological art that results in a practical application producing a concrete, useful and tangible result. Similarly, claim 30 has been amended to recite a “method of formatting data for at least one of encoding, decoding and transmitting location information of objects for a map,” whereby the claimed subject matter is integrally tied to a technological art that results in a practical application producing a concrete, useful and tangible result. With respect to claims 31 and 33, which recite “an encoding device” and “a decoding device,” respectively, Applicants respectfully submit that the claim language inherently indicates that the claimed subject matter is not merely “an abstract idea” as asserted by the Examiner: “a device” is clearly a tangible subject. Furthermore, claims 31 and 33 have been amended to further recite that the device is for encoding and decoding, respectively, “location information of objects for a map.” Accordingly, the claimed subject matter of claims 31 and 33 is integrally tied to a technological art that results in a practical application producing a concrete, useful and tangible result.

For at least the foregoing reasons, Applicants submit that claims 19, 30, 31 and 33, as well as dependent claims 20-29, 32, 34-35 and 37, are in compliance with 35 U.S.C. § 101.

Claims 19, 28-31, 33 and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,272,548 (“Cotter”). It is respectfully submitted that the claims 19, 28-31, 33 and 36 are not anticipated by Cotter for at least the following reasons.

To anticipate a claim under § 102(e), a single prior art reference must identically disclose each and every claim element. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112

F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended claim 19 recites the following:

19. A method for at least one of encoding, decoding and transmitting location information of objects for a map, the method comprising:
at least one of encoding, decoding and transmitting location information of a data packet, the location information **including locating information and description information, wherein the data packet** separately contains the locating information and the description information, **and includes assignment information** for assigning at least a part of the locating information to at least a part of the description information.

Independent claims 30, 31, 33 and 36 recite features substantially similar to the above-recited features of claim 19, i.e., “**the location information including locating information and description information, wherein the data packet** separately contains the locating information and the description information, **and includes assignment information** for assigning at least a part of the locating information to at least a part of the description information.” Whereas the Applicants’ claim invention clearly includes three types of information, i.e., the locating information, the description information, and the assignment information, Cotter does not teach or suggest any assignment information, let alone any assignment information for assigning at least a part of the locating information to at least a part of the description information. Cotter discloses a method of self-routing a message, in which method the message includes a destination address and additionally some elementary

information about the general directional bearings. (Col. 5, l. 58-64). The data packet of Cotter includes, at best, only two types of information, i.e., the destination address and the directional bearings. (Col. 6, l. 16-18).

For at least the foregoing reasons, Cotter does not anticipate claims 19, 30, 31, 33 and 36, as well as dependent claims 28-29.

Claims 20-27, 32, 34, 35 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cotter in view of U.S. Patent No. 6,169,515 ("Mannings"). It is respectfully submitted that the claims 20-27, 32, 34, 35 and 37 are not rendered unpatentable by the combination of Cotter and Mannings, for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Applicants note that claims 20-27, 32, 34, 35 and 37 ultimately depend from independent claims 19, 31 or 33. Furthermore, Mannings clearly fails to remedy the deficiencies of Cotter as applied against independent claims 19, 31 and 33. Accordingly, the combination of Cotter and Mannings fails to render obvious dependent claims 20-27, 32, 34, 35 and 37.

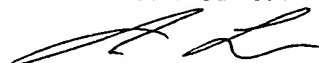
For at least the foregoing reasons, Applicants respectfully submit that the obviousness rejection of claims 20-27, 32, 34, 35 and 37 should be withdrawn.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 19-37 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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